

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE CHAMBERLAIN GROUP LLC

Plaintiff,

v.

OVERHEAD DOOR CORPORATION, ET
AL.

Defendant.

Case No. 2:21-CV-0084-JRG

JURY TRIAL DEMANDED

MOTION TO CONTINUE THE PRETRIAL CONFERENCE

Plaintiff The Chamberlain Group LLC respectfully moves for a continuance of the November 10, 2022 Pretrial Conference set by the Court's November 4, 2022 notice. Counsel for Chamberlain is currently representing Apple Inc. in the evidentiary hearing in Inv. No. 337-TA-1301, *In the Matter of Certain Mobile Phones and Tablet Computers, All With Switchable Connectivity*. Ex. A (Declaration of B. Elacqua in support of Chamberlain's Motion for Continuance) ¶¶ 1, 2. The evidentiary hearing began November 4, 2022 and is scheduled to continue through November 10, 2022. Ex. A, ¶ 3; Ex. B (Order No. 7: Setting Procedural Schedule in Inv. No. 337-TA-1301). Lead counsel for Chamberlain, Benjamin Elacqua, is serving as primary trial counsel for Apple Inc. in Inv. No. 337-TA-1301. Ex. A ¶ 1. Chamberlain trial team members Ruffin Cordell and Betty Chen also represent Apple and are essential members of the trial team for Inv. No. 337-TA-1301. All three will be in the evidentiary hearing for Inv. No. 337-TA-1301 from November 4 through November 10. *Id.* at ¶ 5. As a result, Mr. Elacqua, Mr. Cordell, and Ms. Chen cannot participate in the Pretrial Conference in this matter as currently scheduled. *Id.*

Accordingly, Chamberlain respectfully submits that good cause exists for a brief continuance of the Pretrial Conference so that essential members of its trial team, including lead counsel, may participate. Chamberlain request the Court continue the Pretrial Conference to the next available setting. Counsel for Chamberlain is available at the Court's convenience.

Date: November 5, 2022

Respectfully submitted,
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**COUNSEL FOR PLAINTIFF THE
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 5, 2022.

/s/ Benjamin C. Elacqua

CERTIFICATE OF CONFERENCE

I hereby certify that Counsel for Plaintiff sent correspondence to counsel for Defendants on Friday, November 4 requesting Defendants' position on this Motion and offering to meet and confer. Ex. A ¶ 6; Ex. C (Email thread between K. Quisenberry and D. Callahan). Counsel for Defendants indicated they are ready to proceed on November 10 and oppose rescheduling to an unknown date. Ex. C. Defendants requested the parties provide a suggested date for the Court to reschedule the Pretrial Conference, but it is Chamberlain's position that the parties should defer to the Court's schedule. *Id.* Accordingly, Chamberlain understands Defendants oppose Chamberlain's motion.

/s/ Benjamin C. Elacqua